

By: Bell

H.C.R. No. 29

CONCURRENT RESOLUTION

1 WHEREAS, The Tenth Amendment to the United States
2 Constitution guarantees that "powers not delegated to the United
3 States by the Constitution, nor prohibited by it to the states, are
4 reserved to the states respectively, or to the people"; and

5 WHEREAS, The amendment, found within the Bill of Rights,
6 defines the balance of power between the federal government and the
7 states, authorizing the federal government to exercise only those
8 functions delegated to it within the Constitution; and

9 WHEREAS, In recent years, the federal government has
10 increasingly relied on presidential executive orders to dictate
11 policy while bypassing the demand for congressional consent; such
12 unilateral edicts not only circumvent the legislative process and
13 subvert our system of representative democracy, but also undermine
14 the constitutionally protected doctrine of states' rights; and

15 WHEREAS, The Texas Constitution affirms that Texas is a free
16 and independent state subject only to the supremacy of the U.S.
17 Constitution, and accordingly, neither the State of Texas nor its
18 people are bound by laws enacted outside the scope of authorized
19 executive power; now, therefore, be it

20 RESOLVED, That the 85th Legislature of the State of Texas
21 hereby declare that presidential executive orders have no state
22 constitutional authority and cannot interfere with states' rights;
23 and, be it further

24 RESOLVED, That the 85th Texas Legislature hereby declare that

1 presidential executive orders are not state government mandates and
2 therefore should not and will not be treated as such by state
3 agencies; moreover, executive orders are not mandates that may
4 regulate the behavior or abrogate the rights and freedoms enjoyed
5 by Texas citizens; and, be it further

6 RESOLVED, That the Texas secretary of state forward copies of
7 this resolution to the governor of the State of Texas, to the chairs
8 of all state regulatory boards, and to the executive directors of
9 all state executive agencies; and, be it further

10 RESOLVED, That the Texas secretary of state forward official
11 copies of this resolution to the president of the United States, to
12 the president of the Senate and the speaker of the House of
13 Representatives of the United States Congress, and to all the
14 members of the Texas delegation to Congress with the request that
15 this resolution be officially entered in the Congressional Record
16 as a memorial to the Congress of the United States of America.